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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,960	02/28/2000	Joel Frederic Plotkin	EJOU0010U/US	9067
31518	7590	01/13/2004	EXAMINER	
NEIFELD IP LAW, PC 2001 JEFFERSON DAVIS HIGHWAY ARLINGTON, VA 22202			ART UNIT	PAPER NUMBER

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

13

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Commissioner for Patents

See attached notice.

Appellant's Appeal Brief is defective because it includes amended versions of claims which were not previously entered and examined on the merits.

MPEP 1207 States: "Entry of a new amendment, new affidavit or new evidence in an application on appeal is not a matter of right."

Since applicant's amended version of claims have not been previously entered, and are not entered on appeal as a matter of right, they cannot be entered with the appeal brief. Appellant is required to submit a new brief that only includes and addresses the version of the claims that existed at the time of Examiner's last office action.

Applicant has a shortened statutory period of 30 days to reply. Extension of time may be granted.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451
Crystal Drive, Arlington, VA, 7th floor receptionist.



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